

## **REMARKS**

Claims 1 - 19 are presently pending in this application.

### **Drawings**

The subject matter of claim 20 has been canceled, thus the objection to the drawings has been rendered moot.

### **Claim Rejections – 35 USC 112**

The subject matter of claim 20 has been canceled, thus the rejection of claim 20 under 35 USC 112 has been rendered moot.

### **Claim Rejections – 35 USC 102**

Claims 1 – 4, 7 – 13 and 15 – 18 were rejected under 35 USC 102(b) as being anticipated by Anderson. Anderson fails to disclose beams having partially open slots with overextending lips wherein the engagement mechanisms engages against the overextending lips.

The law is clear and well-settled that in order for a claim to be anticipated under the standard of 35 U.S.C. 102, every claimed element must be present in the prior art reference. The Court of Appeals for the Federal Circuit clearly stated that “[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 193 (Fed. Cir. 1984). The Court of Appeals for the Federal Circuit states that for anticipation under 35 U.S.C. 102, that “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found. v. Genetech Inc.*, 18 USPQ 2d 1001 (Fed. Cir. 1991).

Thus, claims 1 – 19 as amended are not anticipated by Anderson.

Further, Anderson fails to disclose structural tubes bent in a substantially U shape. The beams, not the structural tubes of Anderson are in a U shape. The structural tubes 18 of Anderson are all elongated with no U shape. Thus claims 3, 8, 9, 12, 15, and 18 are allowable for that reason as well.

Claims 10, 19 and 20 were rejected as anticipated by Huber. Huber fails to disclose beams with partially open slots with fastening mechanisms that engage against the overextending lips of the partially open slots. Thus claims 10 and 19 are not anticipated by Huber.

Claims 1 and 10 were rejected as anticipated by Angeletti. Angeletti fails to disclose beams with partially open slots with fastening mechanisms that engage against the overextending lips of the partially open slots. Thus claims 1 and 10 are not anticipated by Angeletti.

### **Claim Rejections – 35 USC 103**

Claims 4, 5, 13 and 14 were rejected as being obvious in view of the combination of Angeletti in view of Attwood. The Office Action stated that it would have been obvious to modify the disclosure of Angeletti by incorporating the use of a slotted beam and spring nuts as disclosed by Attwood to provide a system that would allow easy movement of the fastening mechanism on the beam to any location desired without the limitation of having to align a pawl on the mechanism with ratchet notches on the beam.

Angeletti discloses a reusable windshield pallet that uses four vertical beams with two transverse cross members that are vertically adjustable on the four vertical beams. Angeletti discloses a ratchet and pawl mechanism to prevent accidental movement of the transverse cross members vertically relative to the vertical beams. The ratchet and pawl mechanism do not secure the transverse members to the vertical beams. The substitution of the spring nuts engaging against overextending lips to secure the structural tubes and the beams as set forth in the limitations of claims 4, 5, 13 and 14 would not perform the function of the ratchet and pawl mechanism of Angeletti nor does the ratchet and pawl mechanism Angeletti perform an equivalent function as the claimed limitations of claims 4, 5, 13 and 14. Thus the combination of Angeletti and Attwood would not render the present invention obvious.

These claims are believed to be in condition for allowance. Applicant respectfully request that this amendment be entered and that a timely Notice of Allowance be issued in this case. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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